

**Enrolled Minutes of the Thirty-Eighth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, July 27, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 27, 2009 at 6:30 p.m. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the bids related to the Ridgewood Avenue Reconstruction Project and the apparent low bid amount as compared to the engineer's estimate. A colloquy ensued regarding the apparent low bidder, Grimmer Construction and whether or not the contractor may be "over extended" in terms of the number of projects the contractor had underway.
3. The Town Council discussed whether or not there was diminished quality to the concrete poured by the current approved contractor as compared to previous contractors. The discussion included an observation by Councilor Herak in which he opined that that concrete along parts of Fifth Street did not seem to weather or endure the road salt applications as other places.
4. The Building Commissioner and the Town Attorney informed the Town Council that the Unsafe Building Proceeding for the property at 3425 LaVerne Drive had concluded. The house and the garage were demolished.

The study session ended at 7:03 p.m.

Regular Meeting. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, July 27, 2009 at 7:05 p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided. The session was opened with Councilor Mark Herak leading the pledge of allegiance to the United States Flag and offering the opening prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officers Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicki, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Minutes of the Previous Session

The minutes of the regular meeting of July 13, 2009 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2009 Budgets in the **Unsafe Building Fund, in the amount of \$1,745; Gaming Revenue Sharing Fund, in the amount of \$404,480; General Improvement Fund in the amount of \$25,678; and the Rainy Day Fund in the amount of \$300,000.**

(a) Attorney verification of Proofs of Publication: The Town Attorney indicated that the proofs of publication were in compliance with IC 5-3-1. (The TIMES 16 July 2009.)

(b) **Public Hearing.** The Town Council President called the public hearing to order.

1. Jim Diehl, 10104 Kennedy Avenue, Highland, asked to have the nature and purpose of the additional appropriation in the Rainy Day Fund explained.

There being no further inquiries, the hearing was closed.

- (c) Action on **Appropriation Enactment No. 2009-38:** An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Unsafe Building Fund, in the amount of \$1,745; Gaming Revenue Sharing Fund, in the amount of \$404,480; General Improvement Fund in the amount of \$25,678; and the Rainy Day Fund in the amount of \$300,000.**

Councilor Herak introduced and moved the consideration on the same night of introduction of Enactment No. 2009-38. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Herak moved the passage and adoption on the same night of introduction of Enactment No. 2009-38. Councilor Novak seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-38

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the UNSAFE BUILDING FUND, THE GAMING REVENUE SHARING FUND, the GENERAL IMPROVEMENT FUND and the RAINY DAY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unsafe Building Fund**, the **Gaming Revenue Sharing Fund**, the **General Improvement Fund** and the **Rainy Day Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund**, as herein named and for the purposes herein specified, subject to the laws governing the same:

UNSAFE BUILDING FUND:

Acct. No. 310.04 Demolition Expenses

Total Series:

\$ 1,745.00
\$ 1,745.00

Total for Fund: \$ 1,745.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** as herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND:

Acct. No. 3xx.xx Kennedy Ave Bridge Study Cost Share:	\$ 4,000.00
<i>Total Series:</i>	\$ 4,000.00

Acct. No. 4xx.xx Ridgewood Ave Reconstruction Project:	\$ 265,000.00
Acct. No. 4xx.xx Cline Ave Reconstruction Prelim Engrng:	\$ 99,960.00
Acct. No. 4xx.xx 45 th Ave Reconstruction Prelim Engrng:	<u>\$ 35,520.00</u>
<i>Total Series:</i>	\$ 400,480.00

Total for Fund: \$ 404,480.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** as herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND:

Acct. No. 4xx.xx Ridgewood Ave Reconstruction Project Curbs:	\$ 23,053.00
Acct. No. 4xx.xx Ridgewood Ave Reconstruction Project Sidewalks:	<u>\$ 2,625.00</u>

Total Series: \$ 25,678.00

Total for Fund: \$ 25,678.00

Section 4. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Rainy Day Fund** as herein named and for the purposes herein specified, subject to the laws governing the same:

RAINY DAY FUND:

Acct. No. 3XX.XX Insurance Deductibles:	\$ 299,100.00
Acct. No. 3XX.XX Warning Siren Repairs	<u>\$ 900.00</u>

Total Series: \$ 300,000.00

Total for Fund: \$ 300,000.00

Section 5. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 6. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 27th Day of July 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 27th Day of July 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Unfinished Business and General Orders:

1. **Enactment No. 2009-36:** An Enactment Reducing Appropriations in the Motor Vehicle Highway Fund, in the amount of \$43,637.94 to reconcile budget with revised revenue

forecast from DLGF and an addition amount of \$27,903 in order to support additional for worker premiums.

Councilor Herak introduced and moved the consideration on the same night of introduction of Enactment No. 2009-36. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered.

Councilor Herak moved the passage and adoption on the same night of introduction of Enactment No. 2009-36. Councilor Zemen seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

TOWN of HIGHLAND
APPROPRIATION ENACTMENT
Enactment No. 2009-36

AN ENACTMENT REDUCING APPROPRIATIONS in the ANNUAL BUDGET for Motor Vehicle Highway (MVH) Fund, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the annual budget for the **Motor Vehicle Highway (MVH) Fund**;

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2009, however such reduction will bring the actual FY 2009 Budget into balance with its actual revenues and cash on hand for FY 2009 by reducing the approved appropriation by **\$43,637.94** and work to preserve and balance the proposed additional appropriations proposed for the 2009 budget, by further reducing the budget by **\$27,903.00**, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following appropriations of money are hereby *reduced and ordered returned and reverted to the funds herein* named and for the purposes herein specified, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY FUND:

Reduce:	Account # 210.01 Gasoline & Oil	\$ 12,000.00
	Account # 230.05 Road Salt	<u>\$ 25,000.00</u>
	Total Reduction to 200 Series:	\$ 37,000.00
Reduce:	Account # 360.07 Traffic Signal Main	\$ 3,091.61
	Account # 390.07 Tree Service	<u>\$ 2,000.00</u>
	Total Reduction to 300 Series:	\$ 5,091.61
Reduce:	Account # 430.05 Equipment	\$ 4.00
	Account # 440.03 One Ton Dump Truck	<u>\$ 29,445.33</u>
	Total Reduction to 400 Series:	\$ 29,449.33
	Total Reduction for the Fund:	<u>\$71,540.94</u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be depicted in the proper documentation accompanying the filing of any additional appropriations for the MVH Fund for Year 2009 Budget, pursuant to IC 6-1.1-17.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 27th day of July 2009. Consent to consider this enactment on same day or at same meeting of introduction sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Passed and Adopted this 27th Day of July 2009, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I. C. 36-5-3-5; I. C. 36-5-4-2.

TOWN COUNCIL of the TOWN of

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Resolution No. 2009-37:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-37. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Resolution No. 2009-37**

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Corporation Bond & Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy-Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$102,000.00** be borrowed for the **Corporation Bond & Interest Fund** with the amount of **\$102,000.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$102,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Corporation Bond & Interest Fund** with such loan to be repaid no later than December 31, 2009, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 27 day July 2009. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Works Board Order No. 2009-26:** An Order of the Works Board Accepting the Bid of Grimmer Construction for the Ridgewood Avenue Reconstruction Project Being the Lowest Responsive and Responsible Bid in the amount of \$ 434,841.89.

Councilor Novak moved the passage and adoption of Works Board No. 2009-26. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**TOWN of HIGHLAND
Board of Works
Order of the Works Board No. 2009-26**

AN ORDER OF THE WORKS BOARD ACCEPTING THE BID OF GRIMMER CONSTRUCTION, INCORPORATED FOR THE RIDGEWOOD AVENUE RECONSTRUCTION PROJECT BEING THE LOWEST RESPONSIVE AND RESPONSIBLE BID IN THE AMOUNT OF FOUR HUNDRED THIRTY-FOUR THOUSAND, EIGHT HUNDRED FORTY-ONE DOLLARS AND 89/100 CENTS (\$434,841.89)

Whereas, the Town Council for the Town of Highland determined that a need exists to improve the 2000-2100 blocks of Ridgewood Avenue; and

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the 2000-2100 blocks of Ridgewood Avenue and the project was bid in accordance with I.C. 36-1-12 *et seq.* and notice was published in accordance with I.C. 5-3-1; and

Whereas, the following bids were received at 10:00 a.m. on July 24, 2009:

	Bidder	Base Bid
1.	Grimmer Construction, Inc.	\$434,841.89
2.	Rieth-Riley Construction, Inc.	\$436,077.46
3.	Walsh & Kelly, Inc.	\$442,599.25
4.	Reichelt Plumbing	\$486,868.25
5.	Gariup Construction Co., Inc.	\$521,600.00
6.	Gough, Inc.	\$548,603.57

Whereas, Garcia Consulting Engineers and the Director of Public Works have reviewed the bids and determined that the bid of Grimmer Construction, Incorporated in the amount of Four Hundred Thirty-Four Thousand, Eight Hundred Forty-One Dollars and 89/100 Cents to be the lowest responsive and responsible bid.

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a construction contract to Grimmer Construction, Incorporated for the Ridgewood Avenue Reconstruction Project.

Now, Therefore, Be It Resolved, by the Town Council of the Highland, Indiana that the bid of Grimmer Construction, Incorporated for the Ridgewood Avenue Reconstruction Project in the amount of Four Hundred Thirty-Four Thousand, Eight Hundred Forty-One Dollars and 89/100 Cents (\$434,841.89) is hereby accepted as the lowest responsive and responsible bid. Further, the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 27th day of July 2009. Having been passed by a vote of 5 in favor and 0 opposed.

BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA

Dan Vassar , President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Works Board Order No. 2009-27:** An Order of the Works Board Approving the Highland Avenue Improvement Project and Approving and Authorizing An agreement between Garcia Consulting and the Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2009-27. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Order was adopted.

THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2009-27

An Order of the Works Board Approving the Highland Avenue Improvement Project and Approving and Authorizing An agreement between Garcia Consulting AND THE Town of Highland to perform Preliminary Design Engineering and professional services in support Thereof.

Whereas, The Town Council has heretofore determined that a need exists to reconstruct the certain blocks of Highland Avenue, bordered by Highway Avenue and Ridge Road, pursuant to the request and to procure design engineering services associated with said street reconstruction and other improvements, to be known as the Highland Avenue (Phase II) Improvement Project;

Whereas, Garcia Consulting has offered and presented an agreement to provide and furnish preliminary or design engineering and professional services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in an estimated fee of Fourteen Thousand, four hundred forty dollars (\$14,440); and

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1 That the Public Works Director is hereby authorized and approved to proceed with the reconstruction the portion of Highland Avenue which is bordered by Ridge Road and Highway Avenue, to be known as the Highland Avenue (Phase II) Improvement Project;

Section 2 That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

Section 3. That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Fourteen Thousand, four hundred forty dollars (\$14,440) is found to be reasonable and fair;

Section 4. That the Town of Highland, through its Town Council, believes that Garcia Consulting has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement, pursuant to *I.C. 5-16-11.1-5 and Section § 31.64 of the Highland Municipal Code*;

Section 5. That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be is so Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 27th day of July 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President

Attest:

Michael Griffin, IAMC/MC/CPFA
Clerk-Treasurer

5. Action on Accident, Death and Disability Group Insurance Plan (Plan 1) for the firefighters of the Highland Fire Department, as required pursuant to IC 36-8-12 et seq., with **Provident Insurance**, as underwriter, for an annual premium of **\$5,844**.

Councilor Zemen moved that the Accident, Death and Disability Group Insurance Plan (Plan 1) as underwritten by Provident Insurance and recommended by Tom Brown of Brown Insurance Group be approved. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. He insurance plan was approved.

6. **Proposed Ordinance No. 1430:** An Ordinance to Amend Chapter 171 particularly Section 171.20, regarding the terms related to tap fees imposed in an Economic Development or Redevelopment Area and Sewer Improvement District.

Councilor Herak introduced and moved the consideration on the same night of introduction of Ordinance No. 1430. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption on the same night of introduction of Ordinance No. 1430. Councilor Novak seconded. Upon a roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE No. 1430
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO AMEND CHAPTER 171, SECTION § 171.20 OF THE HIGHLAND MUNICIPAL CODE, REGARDING TAPPING USER RATES AND CHARGES, ALL PURSUANT TO I.C. 36-1-4, IC 36-1-5 AND IC 36-9-25 ET SEQUITUR.

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

Whereas, The Town of Highland Town Council is in receipt of a resolution introduced on 7 July 2009 and following a public hearing, was adopted on July 21, 2009 by the Board of Sanitary Commissioners, which changes the schedule of rates and charges, particularly tap fees, which support its management of the sewage works as well as the storm water and watercourses of the Town of Highland, to be effective provided the Town Council as the legislative body approves;

Whereas, The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor, approve and adopt the change of the rates and charges pursuant to IC 36-9-25-11 and thereby put them into force and effect; and,

Whereas, The Town of Highland, through its Town Council now wishes to still further perfect its own organization as well as that of the Department of Public Sanitation and make certain amendments to the ordinance establishing and governing the rates and charges of the Sanitary District, pursuant to IC 36-9-25-11,

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 171.20 of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section § 171.20 which shall read as follows:

BUILDING SEWERS AND CONNECTIONS

§ 171.20 CONNECTION PERMIT.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

(B) That there shall be the following classes of building sewer tap permits:

- (1) For single family or two family (duplex) residential service;
- (2) For multi-family residential having three or more units service;
- (3) For commercial service or establishments;
- (4) For industrial waste producing establishments; and
- (5) For service in a duly designated economic development area.

(C) The owner or his/her agent shall make application on a special form provided by the sewage works. The permit applications shall be supplemented by any plan, specifications or other information considered pertinent in the judgment of the Superintendent.

(D) The following sanitary (wastewater) and storm water sewer permit and tap fees are hereby in effect:

- (1) \$300 per single-family residential unit or per unit of a two unit (duplex) residential building;
- (2) \$500 per multiple family residential building having three or more units;
- (3) \$500 per commercial tap to a sanitary sewer, in the case of a storm water, \$500 per commercial building;
- (4) \$700 per industrial tap to a sanitary sewer, the case of a storm water, \$700 per industrial building; and
- (5) \$500 per quarter acre for users in a duly designated economic development area. The rate will be applied to the nearest quarter acre.

(E) The Board of Sanitary Commissioners may assess sanitary (wastewater) and storm water sewer permit and tap fees for users in a duly designated economic development area as follows:

- (1) For a user's entire property area; or

- (2) For the area of a user's property contained within an assessment district established pursuant to IC 36-9-39.1 et seq.;
- (3) Permit and tap fees established pursuant to §171.20 (E)(1) and (2) may be deferred by the Board of Sanitary Commissioners by allowing said fees to be added to the amount of an assessment levied against a user's property pursuant to IC 36-9-39.1 et seq.

Section 2. Schedule of Rates and Charges Adopted. That by passage and adoption of this ordinance the rates and charges as adopted by the Board of Sanitary Commissioners in its Resolution No. 2009-42 are hereby approved and made effective as provided, all pursuant to IC 36-9-25-11(c);

Section 3. Schedule of Implementation. The provisions of this Ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication in the manner provided by IC 36-1-5 and IC 5-3-1, if applicable.

Introduced and Filed on the 27th day of July 2009. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

ADOPTED this 27th day of July 2009 by the Town Council of the Town of Highland, Lake County, Indiana, by a vote of 5 in favor of adoption and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison* • *Plan Commission member* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Select Centennial Commission.*

Councilor Zemen recognized the Redevelopment Director who reported on the recent press conference regarding the transfer and reclamation of the former Bult Oil Property Site. She presented certificates of appreciation from the Redevelopment Commission to the Town Council and the Clerk-Treasurer for their hand in the recovery of the property.

The Redevelopment Director also reported that the Riverfront development District was finally approved by the proper State Authorities, and she noted that the boundaries extended from Little Calumet River to the intersection of Strong Street and Kennedy Avenue, as well as Ridge Road and the intersection of Ridge Road and Indianapolis Boulevard.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Councilor Herak welcomed the Redevelopment Director back following her bereavement leave.

Councilor Herak also acknowledged the Councilor Zemen's birthday on July 28th and the Clerk-Treasurer's birthday on August 1.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison* • *Traffic Safety Commission Member* • *Chamber of Commerce Co-Liaison.*

Police Chief Hojnicky was invited to speak and reported that the hiring process continues. Hojnicky also reported on a recent traffic stop that led to the arrest of a felony suspect.

- **Councilor Konnie Kuiper:** • *Fire Department Liaison • Parks and Recreation board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report or comments.

- **Councilor Dan Vassar:** • *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Councilor President Vassar reminded all that the Little League State Finals were being hosted and conducted at Markley Park on Thursday and encouraged all to attend.

Comments from the Public or Visitors.

There were no public comments.

Payment of Accounts Payable Vouchers. There being no further business, Councilor Zemen moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period of July 14, 2009 through July 27, 2009. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion was passed. The accounts payable vouchers were allowed and the Clerk-Treasurer was authorized to make payment.

General Fund, \$292,325.55; Motor Vehicle Highway (MVH) Fund, \$19,041.63; Local Road and Street (LR & S) Fund, \$10,625.69; Federal Forfeit and Seized Asset Fund, \$1,589.00; Law Enforcement Continuing Education Fund, \$4,888.02; Retainage Fund, \$8,813.47; Information and Communications Technology Fund, \$7,718.44; Civil Donation Fund, \$3,310.05; Special Events Non-reverting Fund, \$30,426.02; Municipal Cumulative Capital Development Fund, \$2,217.28; Traffic Violations Agency Fund, \$5,795.50; Safe Neighborhood Fund, \$12,744.34; Municipal Cumulative Street Fund, \$612.50, Payroll Fund, \$19.59; Total: \$400,127.08.

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote, viva voce, the motion passed. The regular meeting of the Town Council of Monday, July 27, 2009 was adjourned at 7:35 p.m. There was no study session following the meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer